

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PLAINTIFF PACITO; PLAINTIFF ESTHER;
PLAINTIFF JOSEPHINE; PLAINTIFF SARA;
PLAINTIFF ALYAS; PLAINTIFF MARCOS;
PLAINTIFF AHMED; PLAINTIFF RACHEL;
PLAINTIFF ALI; HIAS, INC.; CHURCH
WORLD SERVICE, INC.; and LUTHERAN
COMMUNITY SERVICES NORTHWEST,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; MARCO RUBIO,
in his official capacity as Secretary of State;
KRISTI NOEM, in her official capacity as
Secretary of Homeland Security; ROBERT F.
KENNEDY, JR., in his official capacity as
Secretary of Health and Human Services,

Defendants.

Case No. 2:25-cv-255-JNW

**PLAINTIFFS' SUPPLEMENTAL
BRIEF IN RESPONSE TO THE
COURT'S JUNE 27, 2025 ORDER**

Plaintiffs submit the following supplemental brief in response to the Court's order of June 27, 2025, *see* Dkt. 137, to address the U.S. Supreme Court's ruling in *Trump v. CASA, Inc.*, No. 24A884, slip op. (U.S. June 27, 2025).

INTRODUCTION

Although the Court has jurisdiction to enforce its preliminary injunctions “to preserve the status quo”—including by taking steps to ensure Defendants’ compliance with the injunctions as ordered—it no longer has jurisdiction to narrow the scope of its previously granted relief because doing so would “materially alter the status of the case on appeal.” *Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001). Regardless, no such narrowing is needed: The Supreme Court’s *CASA* ruling affects neither the permissibility of the relief requested by Plaintiffs nor the relief already granted by the Court because this lawsuit involves relief granted to putative class members under the Administrative Procedure Act (“APA”). Further, as the Court has concluded, the relief ordered is necessary to provide complete relief to Plaintiffs.

ARGUMENT

I. The Court has jurisdiction to enforce its preliminary injunctions but *not* to narrow them in response to *CASA*.

As a threshold matter, the Court retains jurisdiction to *enforce* its preliminary injunctions to preserve the status quo, but it no longer has jurisdiction to *narrow* the scope of previously granted relief based on the Supreme Court’s decision in *CASA*.

“The filing of a notice of appeal generally divests the district court of jurisdiction over the matters appealed.” *McClatchy Newspapers v. Cent. Valley Typographical Union No. 46*, 686 F.2d 731, 734 (9th Cir. 1982). “[A]lthough Federal Rule of Civil Procedure 62(d) permits a district court to ‘suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party’s rights’ pending appeal from an interlocutory order that [rules on] an injunction, ‘[i]t does not restore jurisdiction to the district court to adjudicate anew the merits of the case after either party has invoked its right of appeal and jurisdiction has passed to an appellate court.’” *N.D. v. Reykdal*, No. 2:22-cv-01621-LK, 2023 WL 6557853, at *1 (W.D. Wash. Sept. 8, 2023) (third alteration in original) (first quoting Fed. R. Civ. P. 62(d); and then quoting *McClatchy Newspapers*, 686 F.2d at 734). Nor does Rule 62(d) allow a district court to make changes that

1 “materially alter the status of the case on appeal,” *Nat. Res. Def. Council*, 242 F.3d at 1166—
 2 which is precisely what Defendants seek here. Whether the Court abused its discretion in granting
 3 nationwide relief is a key issue on appeal. *See* No. 25-1313 (9th Cir.), Dkts. 47.1 at 51–54, 97.1 at
 4 33–34. The Ninth Circuit will determine whether Defendants are likely to succeed on the merits
 5 of their argument regarding the scope of relief; this Court no longer has jurisdiction over that issue.
 6 *See McClatchy Newspapers*, 686 F.2d at 734.

7 Moreover, a district court improperly alters the status of a case on appeal when it
 8 “remov[es] prohibition[s]” from an appealed preliminary injunction. *Small v. Operative*
 9 *Plasterers’ & Cement Masons’ Int’l Ass’n Loc. 200*, 611 F.3d 483, 495 (9th Cir. 2010); *see also*,
 10 *e.g.*, *Martinez Baños v. Godfrey*, No. C16-1454 JLR, 2019 WL 2357871, at *2 (W.D. Wash. June
 11 4, 2019) (court lacked jurisdiction to “alter the status quo by removing certain requirements . . .
 12 under the injunction”). Defendants’ suggestion that the Court modify the preliminary injunctions
 13 to narrow their scopes would materially alter the status of the case on appeal by removing the
 14 injunctions’ nationwide prohibitions on Defendants’ conduct. At this point, the Court cannot
 15 accept Defendants’ invitation to limit the reach of its ordered injunctions based on their
 16 (mis)reading of *CASA*.

17 In contrast, a district court “retains jurisdiction during the pendency of an appeal to act to
 18 preserve the status quo.” *Id.* This includes the power to “supervise compliance with an injunction,”
 19 *Hawai’i v. Trump*, 871 F.3d 646, 654 (9th Cir. 2017) (per curiam), and “modify a preliminary
 20 injunction in consideration of new facts,” *A&M Recs., Inc. v. Napster, Inc.*, 284 F.3d 1091, 1098
 21 (9th Cir. 2002) (emphasis added). Accordingly, the Court has jurisdiction to issue further relief to
 22 secure Defendants’ compliance with its preliminary injunctions, including by ensuring that
 23 Defendants do not artificially circumscribe the population of refugees to whom the narrowed first
 24 preliminary injunction applies. Far from “ask[ing] this Court to enlarge its largely stayed
 25 injunction to include additional groups of people,” Dkt. 139 at 3, Plaintiffs merely seek
 26 confirmation that the preliminary injunction is applied and enforced *as the Court already ordered*.

1 These efforts would preserve the status quo, and it is readily within the Court’s authority to
 2 supervise its preliminary injunctions while they are pending appeal. *See Nat. Res. Def. Council*,
 3 242 F.3d at 1166; *Trump*, 871 F.3d at 654.

4 **II. *CASA* does not affect the relief granted in this lawsuit or require that it be modified.**

5 The Supreme Court’s *CASA* decision affects neither the relief requested nor the relief
 6 already granted by the Court for three main reasons: (1) Complete relief to both the named
 7 individual Plaintiffs and the organizational Plaintiffs requires nothing less than the preliminary
 8 injunction issued by the Court, (2) this case is brought on behalf of putative class members, and
 9 (3) vacatur remains available under the APA.

10 In *CASA*, the Supreme Court limited injunctions that provided relief beyond that required
 11 to remedy the harms faced by the parties before the district courts, holding only that those universal
 12 preliminary injunctions “likely exceed[ed] the equitable authority that Congress has granted to
 13 federal courts” under the Judiciary Act of 1789. Slip op. at 1–2, 4. The Court explicitly excepted
 14 from its holding cases where complete relief to litigating parties incidentally benefitted others,
 15 class-action cases, and vacatur under the APA. Each of these carveouts applies here.

16 **Complete relief.** This Court’s preliminary injunctions are necessary to give Plaintiffs
 17 complete relief. “[T]he complete-relief principle has deep roots in equity,” and while the principle
 18 by itself does not “justif[y] the award of relief to nonparties,” nationwide relief is proper when
 19 “necessary to provide complete relief to each plaintiff with standing to sue”—even if it has the
 20 practical and incidental effect of benefitting nonparties. *Id.* at 15–16, 26. Moreover, nationwide
 21 relief is proper when there are “injuries for which it is all but impossible for courts to craft relief
 22 that is complete *and* benefits only the named plaintiffs.” *Id.* at 16–17 n.12.

23 As the Court already found, “complete relief for the named plaintiffs entails enjoining
 24 portions of the USRAP EO.” Dkt. 45 at 59; *see also* Dkt. 79 at 34. The organizational Plaintiffs
 25 and their affiliates sponsor and assist tens of thousands of refugees internationally and across the
 26 United States. Dkt. 45 at 17. Relief limited to the named *individual* Plaintiffs would therefore not

1 provide complete relief to the *organizational* Plaintiffs. Further, resettlement agencies participate
 2 in the USRAP as an “integrated whole, with interconnected processes spanning international
 3 borders and domestic agencies.” *Id.* at 60. The individual Plaintiffs are sponsored and assisted not
 4 only by the three resettlement agencies before the Court, but also by other nonparty resettlement
 5 agencies. *See, e.g.*, Dkt. 68-2 ¶¶ 4–5. Given the nature of Plaintiffs’ injuries and Defendants’
 6 unlawful actions, it is thus impossible to craft relief that is both complete and benefits only the
 7 named Plaintiffs. *See* Dkt. 45 at 60. Appropriate and complete relief here *must* be nationwide and
 8 universal, a result that does not conflict with *CASA*. “That the benefits or protections of such an
 9 injunction would flow to other, nonparties does not render such an injunction overbroad,” Dkt. 45
 10 at 59—a further point reiterated in *CASA*.

11 **Class action.** *CASA* is also inapposite because this case involves relief granted to putative
 12 class members. The *CASA* Court rejected the respondents’ counterargument that universal
 13 injunctions were analogous to bills of peace, explaining instead that the “modern form” of the bill
 14 of peace is “the modern class action” governed by Federal Rule of Civil Procedure 23. Slip op. at
 15 12–13. Because the procedural requirements of class actions are “virtually identical” to those of
 16 the bill of peace, class actions have a historical pedigree and therefore fall within a federal court’s
 17 equitable authority under the Judiciary Act. *See id.* at 11–14. Cases involving a certified class
 18 might very well require nationwide relief. *See id. post* at 1–2 (Kavanaugh, J., concurring).

19 Plaintiffs in this case moved for class certification, demonstrating that the proposed
 20 subclasses satisfy the procedural requirements of numerosity, commonality, typicality, and
 21 adequacy. *See* Dkt. 71. As a result, the relief in this case does not present the same issues as the
 22 universal injunctions at issue in *CASA*.

23 **APA.** Finally, *CASA* is further inapposite because it did not address vacatur of federal
 24 agency action under the APA. The *CASA* Court expressly recognized that “[n]othing we say today
 25 resolves the distinct question whether the Administrative Procedure Act authorizes federal courts
 26 to vacate federal agency action.” Slip op. at 11 n.10 (citing 5 U.S.C. § 706(2)). Plaintiffs here

1 brought several claims for relief under the APA. *See* Dkt. No. 56 at 43–47. Specifically, Plaintiffs
2 allege that Defendants’ (1) implementation of the Refugee Ban EO, (2) failure to comply with
3 applicable regulations in suspending the follow-to-join process, (3) defunding of the USRAP, and
4 (4) implementation of the defunding of the USRAP *all* violate the APA, and Plaintiffs thus request
5 that the court “set aside”—vacate—these unlawful agency actions. *See id.* (citing 5 U.S.C.
6 § 706(2)). Because *CASA* left open the APA remedy of vacatur, which Plaintiffs have sought in
7 this case, its holding does not implicate the relief granted here.

8 **CONCLUSION**

9 The Court has jurisdiction to enforce its preliminary injunctions to preserve the status quo,
10 but it does not have jurisdiction to narrow the scope of its preliminary injunctions (such as by
11 limiting the scope of relief in light of *CASA*) because doing so would “materially alter the status
12 of the case on appeal.” *Nat. Res. Def. Council*, 242 F.3d at 1166. Regardless, the Supreme Court’s
13 *CASA* decision does not affect the permissibility of prior or future relief in this case because it
14 involves relief granted to putative class members under the APA and such relief is necessary to
15 provide complete relief to Plaintiffs.

16 * * *

17 The undersigned certifies that this supplemental brief does not exceed seven pages, in
18 compliance with the Court’s order of June 27, 2025. *See* Dkt. 135 at 2.

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By: s/ Harry H. Schneider, Jr.

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